

1 THOMAS M. DONNELLY (SBN 136546)  
JONES DAY  
2 555 California Street, 26th Floor  
San Francisco, CA 94104  
3 Telephone: (415) 875-5880  
Facsimile: (415) 875-5700  
4 email: tmdonnelly@jonesday.com

**\*E-FILED - 2/24/11\***

5 Attorneys for Defendants KAISER ALUMINUM  
CORPORATION and KAISER ALUMINUM &  
6 CHEMICAL CORPORATION

7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 MOSS LANDING COMMERCIAL PARK  
LLC,

12 Plaintiff,

13 v.

14 KAISER ALUMINUM CORPORATION,  
KAISER ALUMINUM & CHEMICAL  
15 CORPORATION, and DOES 1 through  
100,

16 Defendants.

CASE NO. C07 06072 RMW

**STIPULATION AND []  
ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE**

17  
18 WHEREAS, plaintiff Moss Landing Commercial Park ("MLCP") has filed and served its  
19 First Amended Complaint ("Complaint") upon defendants Kaiser Aluminum Corporation and  
20 Kaiser Aluminum & Chemical Corporation (collectively, the "Kaiser Defendants"), and the  
21 Kaiser Defendants have answered such Complaint;

22 WHEREAS, the Kaiser Defendants assert that this lawsuit is barred by the relief granted  
23 to the Kaiser Defendants in their Chapter 11 bankruptcy proceedings;

24 WHEREAS, the Kaiser Defendants sought and obtained an order from the Delaware  
25 Bankruptcy Court requiring MLCP to dismiss its Complaint;

26 WHEREAS, MLCP appealed therefrom to the Delaware District Court, and then to the  
27 Third Circuit Court of Appeals;

28 WHEREAS, on July 8, 2010, the Third Circuit Court of Appeals instructed the Delaware

1 District Court to remand the case to the Delaware Bankruptcy Court for the Bankruptcy Court to  
2 provide a decision as to whether each cause of action in this lawsuit was discharged or otherwise  
3 released, waived or settled. The case was remanded back to the Delaware Bankruptcy Court by  
4 order of the Delaware District Court on September 16, 2010, and the Bankruptcy Court conducted  
5 a status conference on October 18, 2010 to consider the remand and the briefing schedule. After  
6 the parties conferred, the Bankruptcy Court approved a schedule directing the Kaiser Defendants  
7 to file their opening brief addressing the issues raised by the Third Circuit no later than November  
8 12, 2010, MLCP to respond no later than December 3, 2010, and the Kaiser Defendants to reply  
9 no later than December 17, 2010;

10 WHEREAS, the matter has been fully briefed and is set for oral argument before the  
11 Bankruptcy Court on March 2, 2011; and

12 WHEREAS, the parties wish to conserve judicial resources and their litigation expenses.

13 NOW, THEREFORE, plaintiff MLCP and the Kaiser Defendants stipulate and  
14 respectfully request that the Court enter an order as follows:

15 1. The Case Management Conference currently scheduled for March 4, 2011, shall be  
16 continued to June 3, 2011 at 10:30 a.m. in Courtroom 6.

17 2. Not later than May 27, 2011, the parties shall file a joint Case Management  
18 Conference Statement.

19 Dated: February 22, 2011

LAW OFFICES OF CHRISTOPHER C. CAYCE

20  
21 By: /s/ Christopher C. Cayce  
22 CHRISTOPHER C. CAYCE  
23 Attorneys for Plaintiff MOSS LANDING  
24 COMMERCIAL PARK LLC  
25  
26  
27  
28

1  
2 Dated: February 22, 2011

JONES DAY

3  
4 By: /s/ Thomas M. Donnelly  
5 THOMAS M. DONNELLY  
6 Attorneys for Defendants KAISER ALUMINUM  
7 CORPORATION and KAISER ALUMINUM &  
8 CHEMICAL CORPORATION

9 **IT IS SO ORDERED.**

10 Dated: 2/24, 2011

11   
12 The Honorable Ronald M. Whyte  
13 United States District Court Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28